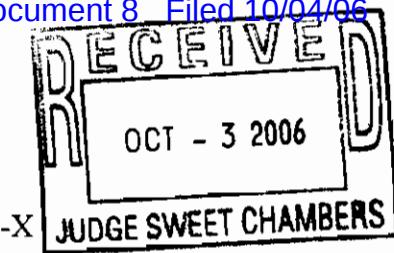


SWEET, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



SEPHORA USA, INC.,

06 CIV. 4121 (RWS)

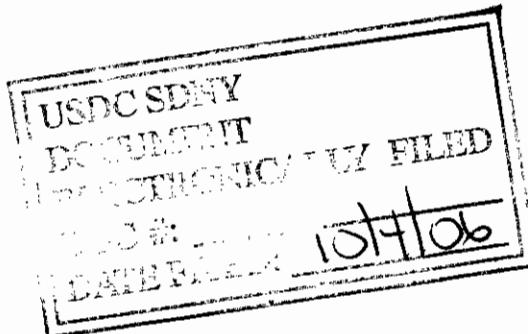
Plaintiff,

**STIPULATION AND ORDER
DISCONTINUING ACTION**

vs.

GILBERT EXPRESS, INC., GILBERT LOGISTICS, TARGET INTERMODAL SYSTEMS, INC. and OANH NGOC NGUYEN d/b/a T & T TRANSPORT,

Defendants.



-----X-----

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for SEPHORA USA, INC., GILBERT EXPRESS, INC., GILBERT LOGISTICS and TARGET INTERMODAL SYSTEMS, INC., that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued with prejudice but without costs to any party as against the other. This stipulation of discontinuance includes any potential cross-claims by or against GILBERT EXPRESS, INC., GILBERT LOGISTICS or TARGET INTERMODAL SYSTEMS, INC. or counterclaims against plaintiff.

Defendant OANH NGOC NGUYEN d/b/a T & T Transport has not appeared and the action is discontinued against him without prejudice only.

James J. Ruddy
McDERMOTT & RADZIK, LLP.
JAMES J. RUDDY (JR-6693)
Attorneys for Plaintiff
Wall Street Plaza
88 Pine Street 21st Floor
New York, New York 10005
212-376-6400

John A. Orzel
DeORCHIS, WIENER & PARTNERS, LLP.
JOHN A ORZEL (JO-2420)
Attorneys for Defendants
GILBERT EXPRESS, INC. and
GILBERT LOGISTICS
61 Broadway 26th Floor
New York, New York 10006
212-344-4700

Kenneth M. PIKEN
KENNETH M. PIKEN & ASSOCIATES
KENNETH M. PIKEN (KP-8221)
Attorneys for Defendant
TARGET INTERMODAL SYSTEMS, INC.
333 Jericho Turnpike Suite 218
Jericho, New York 11753
516-938-2300

Dated: August 4, 2006

SO ORDERED:

Robert W. Sweet
Robert W. Sweet
U.S.D.J.

10-3-06 r